

ORDINANCE 80-6

AN ORDINANCE AMENDING THE ZONING CODE OF PALM BEACH COUNTY, ORDINANCE NO. 73-2, AS AMENDED; AMENDING SECTION 200.2, DEFINITIONS; AMENDING THE REGULATIONS GOVERNING THE CONSTRUCTION OF SINGLE FAMILY DETACHED DESIGN - PATIO HOMES IN PLANNED UNIT DEVELOPMENTS (SECTION 500.21.K.4c); AMENDING SECTION 500.21.D, SPECIAL DEFINITIONS (PUD); PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA THAT Ordinance No. 73-2, as amended, known as the Palm Beach County Zoning Code, is hereby amended as follows:

SECTION 1. Subsection 200.2 "Definitions", of Ordinance No. 73-2, as amended, is amended by adding the following in alphabetical order:

PRIVACY FENCE:

*A structural or natural physical barrier of an opaque quality, constructed such that the privacy of the area to be enclosed is enhanced.*

SECTION 2. Subsection 500.21.D "SPECIAL DEFINITIONS" (PUD) of Ordinance 73-2, as amended, is amended as follows;

PATIO HOME:

*A single family detached dwelling unit designed with one continuous windowless zero lot lined exterior side wall or staggered zero lot line walls (consistent with the provisions of subsection 500.21.K.4c), planned to accommodate cluster development creating a sheltered private outdoor living area for each dwelling unit.*

SECTION 3. Subsection 500.21.K.4c "Single Family Detached Design - Patio Homes" (PUD) or Ordinance 73-2, as amended, is amended as follows:

In the event any portion of a Planned Unit Development has proposed cluster development pursuant to this section, the minimum lot area and dimensions shall be as follows:

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Coding: Words in ~~strike-through-type~~ are deletions from existing law; words in *italics* are additions.

Area	4,500 square feet
Width (interior)	45 feet
Width (corner)	60 feet
Depth	75 feet
Frontage	45 feet (measured at minimum front setback)

Patio home lots shall be conveyed in fee simple. The minimum setback requirements shall be as follows; measured from property lines:

Front	10 feet (except as noted below)
Side (interior)	10 feet
Side (zero lot line)	0 feet (except as noted below)
Side (corner)	20 feet
Rear	10 feet

However, the minimum front yard setback for a garage or carport with the entrance facing the front property line shall be twenty-five (25) feet. However, the minimum front yard setback for a garage or carport with the entrance facing the side property line shall be ten (10) feet.

A portion of the zero lot line side of the structure (maximum 50%) may be recessed from the lot line to accommodate entrances into the unit. The minimum recessed distance shall be four (4) feet. However, such recesses shall not be adjacent to the private outdoor areas of the adjacent unit. In such instances the configuration and location of the adjacent unit must be shown on the building permit submitted.

In all cases, easements located on any lot developed pursuant to this section shall be calculated as an integral part of the applicable setback. No construction shall be permitted within an established easement. ~~No overhangs shall be permitted to project into easements or over zero lot line.~~

Roof eaves may project over the zero lot line up to a maximum of 18 inches if adequate gutters are provided to prevent runoff onto the contiguous property, and if an appropriate easement is recorded for the roof encroachment (subject to approval by the

County Attorney). Eaves or other overhangs may not project over utility easements.

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The maximum height shall be thirty-five (35) feet above the average grade at the lot front. The maximum lot coverage of the principal building shall not exceed fifty (50%) percent of the lot area. In all cases, at least twenty (20%) percent of the lot shall be maintained as permeable area in landscaped open space. Semipermeable paving surfaces shall not be calculated towards the twenty (20%) percent permeable area requirement.

Accessory buildings must meet the setback requirements for the principal structure. Any planned-unit development containing structures on lots permitted by this section shall have a zero lot line along one (1) side interior property line so as to create a sheltered private outdoor recreation area for each dwelling unit. On every lot created pursuant to this section, walls or privacy fences (or combinations thereof) shall be constructed along the side-interior-property-lines zero lot lines from the rear of the principal structure to the rear property line at least four-(4)-feet five (5) feet in height, in addition to the requirements of Section 500.15. If the use of an atrium is employed along the zero lot line side of the principal structure to provide light, air, and means of emergency escape, a gate may be installed for emergency exit purposes. However, such gate must be not more than thirty (30) inches in width, a minimum of six (6) feet eight (8) inches in height, must be solid (to maintain privacy), and must be operable only from the inside.

The concept of staggered zero lot line design patio homes may be utilized. However, in such instances, the configuration and location of all sublots and dwelling units must be specifically detailed as a part of the site plan review submittal. In no event shall separations between units be less than ten (10) feet.

In the event any residential unit built under this section is destroyed or removed by or for any cause, said unit, if replaced, shall be replaced with a unit of at-least similar size and type, however-not-exceeding-the-dimensions-of-the previous-unit meeting the minimum requirements of this section.

The developer shall include the appropriate deed restrictions and/or covenants so as to require replacement as outlined above. Patio home lots may be arranged in groups or clusters (fronting on parking tracts or on dedicated streets). Each Patio Home shall have a minimum of two (2) parking spaces.

SECTION 4. Repeal of Laws in Conflict. All local laws and Ordinances applying to Palm Beach County in conflict with any provisions of this Ordinance are hereby repealed.

SECTION 5. Severability. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings shall not affect the remainder of this Ordinance.

SECTION 6. Inclusion in Code. The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word.

SECTION 7. Effective Date. The provisions of this Ordinance shall become effective upon receipt of acknowledgement by the Secretary of State, State of Florida.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the 8th day of April, 19 80.

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: Donald P. Keeler  
(Chairman)

Acknowledgement by the Department of State of the State of Florida, on this, the 15 day of April, 1980.

EFFECTIVE DATE: Acknowledgement from the Department of State received on the 17th day of April, 19 80, at 1:31 P.M., and filed in the office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: John  
(County Attorney)